

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DDR-SAU JACKSON WEST</b>	)	
<b>TOWNE, L.L.C.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
	)	
<b>vs.</b>	)	<b>CASE NO. 3:14-0909</b>
	)	<b>JUDGE NIXON/ KNOWLES</b>
	)	
	)	
<b>NICOLAAS PETERS, JUDY PETERS,</b>	)	
<b>RAJESH AGGARWAL.</b>	)	
<b>REITA AGGARWAL,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

This matter is before the Court, *sua sponte*, with regard to an issue concerning this Court’s jurisdiction. “[E]very federal court, whether trial or appellate, is obliged to notice want of subject matter jurisdiction on its own Motion.” *Things Remembered, Inc. v. Petrarca, Inc.*, 516 U.S. 124, 132 n.1 (Ginsburg, J., concurring). *See also Answers in Genesis of Kentucky, Inc., v. Creation Ministries International, Ltd.*, 556 F.3d 459, 465 (6<sup>th</sup> Cir. 2009) (“[F]ederal courts have a duty to consider their subject matter jurisdiction in regard to every case and may raise the issue *sua sponte*.”).

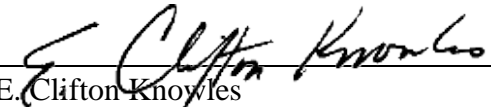
Plaintiff has invoked the jurisdiction of the Court under 28 U.S.C. § 1332(a)(1)(diversity of citizenship). Plaintiff identifies itself as “a Delaware limited liability company authorized to do business in Tennessee.” Docket No. 1. The Complaint identifies Defendants as citizens and residents of Tennessee. These allegations, however, are not sufficient to establish that this Court

has diversity jurisdiction of this action. The Sixth Circuit has held that the citizenship of a limited liability company is determined by the citizenship of each of its members, and not with regard to the state in which it is incorporated or the state in which it has its principal place of business. *See Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6<sup>th</sup> Cir. 2009).

The burden of establishing the existence of diversity jurisdiction rests upon Plaintiff, which has invoked the Court's jurisdiction. *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 189 (1936).

Within twenty (20) days of the entry of this Order, Plaintiff shall file a Response to this Order addressing the points discussed above and establishing that the Court does, in fact, have subject matter jurisdiction of this action. Defendants may, but are not required to, file a Reply to Plaintiff's Response within fifteen (15) days after the filing of Plaintiff's Response.

IT IS SO ORDERED.

  
E. Clifton Knowles  
United States Magistrate Judge